

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**David Roy Orcutt and
Hollie Jean Stevens,
Debtors.**

**Chapter 13 case
11-10553**

ORDER

**DECLARING THE DEFENDANT'S CLAIM IN THE BANKRUPTCY CASE TO BE UNSECURED,
APPROVING PLAINTIFF'S TREATMENT OF DEFENDANT'S CLAIM IN THE CHAPTER 13 PLAN,
OVERRULING THE DEFENDANT'S OBJECTION TO CONFIRMATION, AND
OVERRULING DEFENDANT'S OBJECTION TO PLAINTIFF'S CLAIM OF HOMESTEAD EXEMPTION**

For the reasons set forth in the memorandum of decision and order of even date granting the Plaintiffs' motion for summary judgment and denying the Defendant's cross-motion for summary judgment on remand, and the finding that the Defendant's mortgage is inoperable,

IT IS HEREBY ORDERED that the Plaintiffs' treatment of the Defendant's mortgage as an unsecured claim in their Plan is proper under 11 U.S.C. § 506(a), and the Defendant's objection to confirmation of the Plaintiffs' plan under 11 U.S.C. § 1325(a)(3) is OVERRULED.

IT IS FURTHER ORDERED that the Defendant's objection to the Plaintiffs' claim of homestead exemption under 11 U.S.C. § 522(b)(1) and 27 V.S.A. § 101 is OVERRULED.

SO ORDERED.

April 2, 2013
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge

